

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ABC INDUSTRIAL LAUNDRY,

Plaintiff

v.

ALLIANZ GLOBAL CORPORATE &
SPECIALTY, ALLIANZ GLOBAL RISKS
US INSURANCE COMPANY, AND THE
AMERICAN INSURANCE COMPANY,

Defendants

Case No.: 2:21-cv-01029-APG-VCF

**Order Denying Motion to Dismiss and
Staying Case**

[ECF No. 16]

This is an insurance dispute arising from the Covid-19 pandemic. ABC Industrial Laundry made a claim on its insurance policy issued by the defendants. The claim was denied, leading to this lawsuit. The defendants move to dismiss the lawsuit, arguing that ABC's claim is not a covered loss or damage under the policy, or it is otherwise excluded from coverage. ECF No. 16.

Since the motion to dismiss was filed, several state and federal courts have ruled upon insurance coverage issues related to this case, with varying results. The federal Ninth Circuit Court of Appeals is currently deciding a case involving similar issues and which all parties cite to in their briefs. *Circus Circus LV, LP v. AIG Specialty Ins. Co.*, Case No. 21-15367 (9th Cir. argued Mar. 9, 2022). Based on comments at oral argument in that case, the Ninth Circuit may be considering whether to certify questions to the Supreme Court of Nevada. It makes sense to wait for a decision from that court before proceeding on identical (or nearly so) legal issues in this case. After that, the defendants can file a new motion to dismiss if grounds exist to do so. The parties will then be in a better position to argue based on the most current caselaw. Should

1 the Ninth Circuit delay entering a decision in that case after certifying questions, the parties
2 should confer and notify me whether those questions will have an impact on this case, and
3 whether this case should remain stayed while the Supreme Court of Nevada considers the
4 certification request.

5 I THEREFORE ORDER that the defendants motion to dismiss (**ECF No. 16**) is
6 **DENIED** without prejudice.

7 I FURTHER ORDER that this case is stayed pending a decision by the Ninth Circuit in
8 *Circus Circus LV, LP v. AIG Specialty Ins. Co.*, Case No. 21-15367 (9th Cir.). The parties shall
9 file a status report as stated above within 30 days of the Ninth Circuit either (1) entering a
10 decision in that case, or (2) certifying questions to the Supreme Court of Nevada.

11 DATED this 31st day of March, 2021.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE